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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,518	04/14/2005	Linus Wiebe	3782-0226PUS2	4437
2292	7590	10/31/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			HAUPT, KRISTY A	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	
			2876	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

A

Office Action Summary	Application No.	Applicant(s)	
	10/516,518	WIEBE ET AL.	
	Examiner	Art Unit	
	Kristy A. Haupt	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18, 23-28, 33-53 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 19-22, 29-32 and 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23, 42 and 55-56 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 23, 42 and 55 are directed to a computer program which is descriptive material and therefore not statutory because it is not capable of causing functional change in the computer. See *Warmerdam*, 33 F. 3d at 1361, 31 USPQ2d at 1760.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 33-53 and 55-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Anoto AB WO 01/48678 A1.

Anoto teaches:

With respect to claims 33 and 42-43, a method, in a computer system, of identifying an application in the computer system to receive information from a

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drawing device which is configured to detect position data in a position-coding pattern, said method comprising:

- Receiving incoming position data from the drawing device (Page 15, Lines 9-11 teaches a look-up unit receiving coordinates (position data) from the user unit (Page 4, Lines 16-19))
- Deriving, based upon said incoming position data, a service identifier (Page 15, Lines 10-13 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)
- Identifying, based upon said service identifier, at least one application in the computer system (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)
- A computer program on a digital storage medium for the above (Abstract and Page 19, Lines 1-17 teach a computer program for the information management)

With respect to claim 34 and incorporating all limitations of claim 33:

- Wherein said position-coding pattern is a subset of an abstract position-coding pattern, said deriving comprising deriving said service identifier

based upon a location of said incoming position data in the abstract position-coding pattern (Page 16, Lines 19-20 teach the position-coding pattern is a subset of a larger position-coding pattern while (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 35 and incorporating all limitations of claim 33:

- Wherein said deriving of the service identifier occurs on the basis of particulars in a page-describing file (Page 14, Lines 20-28 teach that the coordinates (location data) is sent to the look-up unit, which contains information about the total surface of the page and its subdivisions (page-describing file))

With respect to claim 36 and incorporating all limitations of claim 34:

- Wherein said deriving of the service identifier occurs on the basis of particulars in a page-describing file (Page 14, Lines 20-28 teach that the coordinates (location data) is sent to the look-up unit, which contains information about the total surface of the page and its subdivisions (page-describing file)), which corresponds to the location of said incoming position data in the abstract position-coding pattern and comprises said

service identifier (Page 16, Lines 19-20 teach the position-coding pattern is a subset of a larger position-coding pattern while (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 37 and incorporating all limitations of claim 36:

- Wherein the page-describing file as such is associated with said service identifier (Page 14, Lines 20-28 teach that the coordinates (location data) is sent to the look-up unit, which contains information about the total surface of the page and its subdivisions (page-describing file) wherein in the look-up unit the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 38 and incorporating all limitations of claim 36:

- Wherein the page-describing file corresponds to said subset of the abstract position-coding pattern, said subset as a whole being associated with said service identifier (Page 14, Lines 20-28 teach the look-up unit contains information about the total surface of the page and its subdivision

(subset) wherein the processor identifies to which region to received information belongs based on its coordinates (position data) and wherein the look-up unit uses the coordinates (position data) to determine which program file is allocated to that position (Page 15, Lines 10-15))

With respect to claim 39 and incorporating all limitations of claim 36:

- Wherein the page-describing file corresponds to said subset of the abstract position-coding pattern, a specific part of said subset being associated with said service identifier (Page 7, Line 29 – Page 8, Line 2 teaches one or more positions within a partial area of the base can be determined in order to determine the region affiliation and the address associated with it)

With respect to claim 40 and incorporating all limitations of claim 33:

- Wherein said deriving occurs on the basis of particulars in a register, which associates said position data with said at least one service identifier (Page 14, Lines 20-28)

With respect to claim 41 and incorporating all limitations of claim 33:

- Wherein said identifying occurs on the basis of particulars in a register, which associates said service identifier with said at least one application (Page 14, Lines 20-28 teach the look-up unit receives the information and

uses the particulars about the surface of the page and its subdivision in its memory to cause the processor to identify to which region the information belongs based on the coordinates received (position data))

With respect to claim 44, a device for identifying, in a computer system, an application in the computer system to receive information from a drawing device which is configured to detect position data in a position-coding pattern, said device comprising:

- A receiver which receives incoming position data from the drawing device (Page 15, Lines 9-11 teaches a look-up unit receiving coordinates (position data) from the user unit (Page 4, Lines 16-19))
- A service handler which, based upon said incoming position data, derives a service identifier (Page 15, Lines 10-13 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)
- A registration handler which, based upon said service identifier, identifies at least one application in the computer system (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 45 and incorporating all limitations of claim 44:

- Wherein said position-coding pattern is a subset of an abstract position-coding pattern, wherein said service handler derives said service identifier based upon a location of said incoming position data in the abstract position-coding pattern (Page 16, Lines 19-20 teach the position-coding pattern is a subset of a larger position-coding pattern while (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 46 and incorporating all limitations of claim 44:

- Wherein said service handler derives the service identifier on the basis of particulars in a page-describing file (Page 14, Lines 20-28 teach that the coordinates (location data) is sent to the look-up unit, which contains information about the total surface of the page and its subdivisions (page-describing file))

With respect to claim 47 and incorporating all limitations of claim 45:

- Wherein said service handler derives the service identifier on the basis of particulars in a page-describing file (Page 14, Lines 20-28 teach that the

coordinates (location data) is sent to the look-up unit, which contains information about the total surface of the page and its subdivisions (page-describing file)), and wherein the page-describing file corresponds to the location of said incoming position data in the abstract position-coding pattern and comprises said service identifier (Page 16, Lines 19-20 teach the position-coding pattern is a subset of a larger position-coding pattern while (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 48 and incorporating all limitations of claim 47:

- Wherein the page-describing file as such is associated with said service identifier (Page 14, Lines 20-28 teach that the coordinates (location data) is sent to the look-up unit, which contains information about the total surface of the page and its subdivisions (page-describing file) wherein in the look-up unit the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 49 and incorporating all limitations of claim 47:

- Wherein the page-describing file corresponds to said subset of the abstract position-coding pattern, said subset as a whole being associated with said service identifier (Page 14, Lines 20-28 teach the look-up unit contains information about the total surface of the page and its subdivision (subset) wherein the processor identifies to which region to received information belongs based on its coordinates (position data) and wherein the look-up unit uses the coordinates (position data) to determine which program file is allocated to that position (Page 15, Lines 10-15))

With respect to claim 50 and incorporating all limitations of claim 47:

- Wherein the page-describing file corresponds to said subset of the abstract position-coding pattern, a specific part of said subset being associated with said service identifier (Page 7, Line 29 – Page 8, Line 2 teaches one or more positions within a partial area of the base can be determined in order to determine the region affiliation and the address associated with it)

With respect to claim 51 and incorporating all limitations of claim 44:

- Wherein said service handler derives said service identifier on the basis of particulars in a register, which associates said position data with said at least one service identifier (Page 14, Lines 20-28)

With respect to claim 52 and incorporating all limitations of claim 44:

- Wherein said identifying occurs on the basis of particulars in a register, which associates said service identifier with said at least one application (Page 14, Lines 20-28 teach the look-up unit receives the information and uses the particulars about the surface of the page and its subdivision in its memory to cause the processor to identify to which region the information belongs based on the coordinates received (position data))

With respect to claims 53, 55 and 57, a method of registering an application in a computer system, the application being configured to receive, in the computer system, position data which is generated when a drawing device is passed over part of an abstract position-coding pattern, which part is printed on a base, said method comprising:

- Registering the application as associated with at least one service, part of the abstract position-coding pattern being registered in the computer system as associated with the service (Page 9, Lines 18-25 teaches the address in the look-up unit that is associated with the coordinates on the base, has a program file (application) associated with it)
- A computer program on a digital storage medium for the above (Abstract and Page 19, Lines 1-17 teach a computer program for the information management)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-18 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anoto AB WO 01/48678 A1 in view of Yoshida et al. JP 06096383 A.

Anoto teaches:

With respect to claims 15 and 23-24, a method, in a computer system, of transferring information from a drawing device, which is configured to detect position data on a base by means of a position-coding pattern, which constitutes part of an abstract position-coding pattern, to an application in the computer system, said method comprising:

- Position data coming from the drawing device (Page 15, Lines 9-11 teaches a look-up unit receiving coordinates (position data) from the user unit (Page 4, Lines 16-19))
- Determining, based on a location of said position data in the abstract position-coding pattern, which applications in the computer system are registered to utilize received data (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

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- A computer program stored on a storage medium for the above (Abstract and Page 19, Lines 1-17 teach a computer program for the information management)

With respect to claim 16 and incorporating all limitations of claim 15:

- Wherein said determining occurs on the basis of particulars in a register which comprises information about which applications utilize different parts of the position-coding pattern (Page 14, Lines 20-33 teach that the memory of the look-up unit contains particulars about the total surface and subdivision of the base while Page 15, Lines 8-16 teach a region can be allocated a program file in the look-up unit's memory and determines that the received coordinates within a region is allocated such a program file)

With respect to claim 17 and incorporating all limitations of claim 16:

- Wherein said determining occurs on the basis of a page identity of incoming data in the abstract position-coding pattern (Page 35, Lines 15-25)

With respect to claim 18 and incorporating all limitations of claim 15:

- Wherein said determining occurs on the basis of particulars in a page-describing file (Page 14, Lines 20-28 teach that the coordinates (location

data) is sent to the look-up unit, which contains information about the total surface of the page and its subdivisions (page-describing file))

With respect to claim 25, a device for transferring, in a computer system, information from a drawing device, which is configured to detect position data in a position-coding pattern, to an application in the computer system, said device comprising:

- A registration handler which determines, based on a location of said position data in the position-coding pattern, which applications in the computer system are registered to utilize received data (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

With respect to claim 26 and incorporating all limitations of claim 25:

- Wherein said registration handler determines which applications in the computer system are registered to utilize received data, on the basis of particulars in a register which comprises information about which applications utilize different parts of the position-coding pattern (Page 14, Lines 20-28 teach the look-up unit receives the information and uses the particulars about the surface of the page and its subdivision in its memory

to cause the processor to identify to which region the information belongs based on the coordinates received (position data))

With respect to claim 27 and incorporating all limitations of claim 26:

- Wherein said registration handler determines which applications in the computer system are registered to utilize received data, on the basis of a page identity of incoming data in the abstract position-coding pattern (Page 35, Lines 15-25)

With respect to claim 28 and incorporating all limitations of claim 25:

- Wherein said registration handler determines which applications in the computer system are registered to utilize received data, on the basis of particulars in a page-describing file (Page 16, Lines 19-20 teach the position-coding pattern is a subset of a larger position-coding pattern while (Page 15, Lines 10-20 teaches the coordinates within a certain region are allocated a program file for that region, therefore there must be some identifier within the coordinates (position data) that identifies the application used for those coordinates)

Anoto fails to teach:

With respect to claim 15:

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- Storing in a memory in the computer system position data coming from the drawing device
- Transferring said position data from the memory to said applications

With respect to claim 25:

- A storage handler which stores in a memory in the computer system position data coming from the drawing device
- A transfer handler which enables transfer of said position data from the memory to said applications

However, Yoshida teaches:

With respect to claim 15:

- Storing in a memory in the computer system position data coming from the drawing device (Abstract teaches the position data from the pen is transferred to the microcomputer which then writes it into a screen memory)
- Transferring said position data from the memory to said applications (Abstract teaches the microcomputer also sends out the position data to a telephone line)

With respect to claim 25:

- A storage handler which stores in a memory in the computer system position data coming from the drawing device (Abstract teaches the position data from the pen is transferred to the microcomputer which then writes it into a screen memory)
- A transfer handler which enables transfer of said position data from the memory to said applications (Abstract teaches the microcomputer also sends out the position data to a telephone line)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Anoto to store the position data in a memory in the computer system, as taught by Yoshida, to save the position data for later use in applications.

Allowable Subject Matter

6. Claims 19-22, 29-32 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance:

With respect to claim 19 and all its dependencies:

- A method wherein the page-describing file comprises particulars about associated services and the determining also occurs on the basis of

particulars in a register that contain information about which applications are associated with different services

With respect to claim 20 and all its dependencies:

- A method wherein if an application is registered to utilize received data it's informed about the existence of new position data in the memory

With respect to claim 29 and all its dependencies:

- The page-describing file comprises particulars about associated services and the registration handler also determines which applications in the computer system are registered to utilize received data on the basis of particulars in a register

With respect to claim 30 and all its dependencies:

- If an application is registered to utilize received data it's informed about the existence of new position data in the memory

With respect to claim 54 and all its dependencies:

- A method wherein the application is registered as associated with both a basic and an additional service wherein the additional service at least comprises all of the basic service

The prior art of record fails to provide sufficient teaching or motivation to one of ordinary skill in the art to provide the features of these claims in the combinations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Applicant's arguments with respect to claims 15-57 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 33, 42 and 44, Applicant argues that Anoto does not teach deriving, based upon incoming position data, a service identifier and identifying at least one application based upon the service identifier. The Examiner disagrees. Anoto teaches that the coordinates within a certain region are allocated a program file for that region therefore there must be some identifier within the coordinates that identifies the application used for those coordinates (See Page 15, Lines 10-13).

With respect to claims 53 and 55, Applicant argues that Anoto does not teach registering the application as associated with the at least one service, wherein part of the abstract position-coding pattern is registered in the computer system as associated with the service. The Examiner disagrees. Anoto teaches the address in the look-up unit that is associated with the coordinates (position-coding pattern) on the base has a program file (application) associated with it (See Page 9, Lines 18-25).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristy A. Haupt whose telephone number is (571) 272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/27/06

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Jared J. Fureman
JARED J. FUREMAN
PRIMARY EXAMINER